

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARINA DISTRICT DEVELOPMENT  
COMPANY, LLC,

Plaintiff,

vs.

AC OCEAN WALK, LLC; WILLIAM  
CALLAHAN; and KELLY ASHMAN  
BURKE,

Defendant.

Case No.: 2:20-cv-1592-GMN-NJK

**ORDER**

Pending before the Court is Plaintiff's Emergency Motion to Compel Depositions of Defendants Callahan and Burke on September 17th and 18th and for Sanctions, (ECF Nos. 43–44).

On September 14, 2020, Defendant AC Ocean Walk filed the Motion to extend the TRO, for expedited discovery, to continue the preliminary injunction hearing, and for a protective order. (*See* ECF Nos. 32–35). The Motion requests a protective order to stay the depositions of Callahan and Burke, which the Court ordered when granting in part Plaintiff's Emergency Motion for TRO. (*See* Def.'s Emergency Mot. 6:1–3, ECF No. 35); (Order 17:5–7, ECF No. 29). The Court set an expedited briefing schedule for Defendant's Emergency Motion, and the Motion will be ripe for decision on September 18, 2020. (*See* Min. Order, ECF No. 36).

Plaintiff now alleges that Defendants are refusing to allow Burke and Callahan to sit for their depositions within ten days as ordered by the Court, and Plaintiff requests an order compelling the depositions and granting sanctions. (*See* Emergency Mot. Compel, Sanctions,

1 ECF Nos. 43–44). The Motion requests that the Court compel Burke and Callahan’s  
2 depositions on either September 17 or 18. (*See id.* 7:14–25).

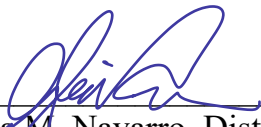
3 If Defendants prevail on AC Ocean Walk’s Emergency Motion, then Burke and  
4 Callahan’s depositions will be stayed. However, if the Court denies the Motion, then Burke  
5 and Callahan must be deposed by the Preliminary Injunction hearing presently set for  
6 September 23, 2020. (Order 17:6–7, ECF No. 29). The Court finds that it may not be able to  
7 set an adequate briefing schedule on Plaintiff’s Emergency Motion, which will also ensure that,  
8 should the Court order Burke and Callahan’s depositions to go forward, the depositions will be  
9 completed before the preliminary injunction hearing.

10 Accordingly,

11 **IT IS HEREBY ORDERED** that Defendants shall file a Response to Plaintiff’s  
12 Emergency Motion by September 17, 2020, and Plaintiff shall file its Reply by September 18,  
13 2020.

14 **IT IS FURTHER ORDERED** that the parties shall **SHOW CAUSE** why the Court  
15 should not extend the TRO for seven days and continue the Preliminary Injunction hearing to  
16 September 30, 2020, in order to resolve the parties’ competing Emergency Motions and ensure  
17 that the ordered depositions may take place before the preliminary injunction hearing should  
18 the Court deny Defendants’ Emergency Motion. The parties shall file Responses to this Show  
19 Cause Order by September 18, 2020.

20 Dated this 16 day of September, 2020.

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25 Gloria M. Navarro, District Judge  
UNITED STATES DISTRICT COURT